

AMENDED IN ASSEMBLY SEPTEMBER 9, 2003

AMENDED IN ASSEMBLY SEPTEMBER 5, 2003

AMENDED IN SENATE APRIL 29, 2003

AMENDED IN SENATE APRIL 9, 2003

SENATE BILL

No. 277

Introduced by Senator Ducheny

(Principal coauthors: Senators Kuehl and Machado)

(Principal coauthor: Assembly Member Kehoe)

(~~Coauthor: Senator Alpert~~)

(Coauthors: Senators Alpert, Battin, and Escutia)

(Coauthors: Assembly Members Benoit, Berg, Canciamilla, Corbett, Garcia, Shirley Horton, Lowenthal, Pavley, Plescia, Spitzer, Vargas, and Wolk)

February 18, 2003

An act to add Chapter 13 (commencing with Section 2930) to Division 3 of the Fish and Game Code, and to amend Section 9 of Chapter 6.7 617 of the Statutes of 2002, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 277, as amended, Ducheny. Water: Salton Sea.

(1) Under existing law, various agencies carry out responsibilities relating to the Salton Sea.

This bill would enact the Salton Sea Restoration Act. The bill would establish the Salton Sea Restoration Fund and would require the fund to be administered by the Director of Fish and Game. The bill would require the money deposited in the fund to be expended, upon

appropriation by the Legislature, for various purposes relating to the restoration of the Salton Sea. The bill would authorize the Department of Water Resources to contract with water suppliers to purchase and sell water made available by specified means to achieve the goals of the act.

(2) Existing law requires the Resources Agency and the Technology, Trade, and Commerce Agency, in consultation with others, to review and report to the Governor and the Legislature, on or before June 30, 2003, on the nature and extent of any economic impacts related to the use of land fallowing in the Imperial Valley in connection with the Quantification Settlement Agreement, measures taken by the Imperial Irrigation District in formulating a fallowing program to minimize those economic impacts, whether the provision of certain funds would minimize those economic impacts, and the amount of additional funds required to mitigate those economic impacts. Existing law requires the report to include recommendations to the Governor and the Legislature, if the report indicates that additional funds are required, relating to the formulation of a program to administer those funds and requires that program to be developed in consultation with certain agencies.

This bill, instead, would require the Department of Food and Agriculture, if funds are appropriated for this purpose, and in consultation with others, to prepare that report. The bill would revise the list of agencies to be consulted for purposes of formulating that program.

(3) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department and the Fish and Game Commission to pay all necessary expenses incurred in carrying out the Fish and Game Code and other state laws.

By imposing new duties on the department, the bill would make an appropriation.

(4) The bill would become operative only if SB 654 and SB 317 are both chaptered and become effective on or before January 1, 2004.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 13 (commencing with Section 2930) is
2 added to Division 3 of the Fish and Game Code, to read:

3

CHAPTER 13. SALTON SEA RESTORATION ACT

2930. This chapter shall be known and may be cited as the Salton Sea Restoration Act.

2931. (a) It is the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on that ecosystem.

(b) This restoration shall be based on the preferred alternative developed as a result of the restoration study and alternative selection process described in Section 2081.7 and using the funds made available in accordance with that section to be deposited in the Salton Sea Restoration Fund and other funds made available by the Legislature and the federal government.

(c) The preferred alternative shall provide the maximum feasible attainment of the following objectives:

(1) Restoration of long term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea.

(2) Elimination of air quality impacts from the restoration projects.

(3) Protection of water quality.

2932. There is hereby established the Salton Sea Restoration Fund which shall be administered by the director. Money deposited in the fund shall be expended, upon appropriation by the Legislature, for the following purposes:

(a) Environmental and engineering studies related to the restoration of the Salton Sea and the protection of fish and wildlife dependent on the sea.

(b) Implementation of conservation measures necessary to protect the fish and wildlife species dependent on the Salton Sea, including adaptive management measurements pursuant to Section 2081.7. These conservation measures shall be limited to the Salton Sea and lower Colorado River ecosystems, including the Colorado River delta.

(c) Implementation of the preferred Salton Sea restoration alternative.

(d) Administrative, technical, and public outreach costs related to the development and selection of the preferred Salton Sea restoration alternative.

1 2933. The Department of Water Resources may contract with
2 water suppliers to purchase and sell water made available pursuant
3 to Section 1745.02 of the Water Code to achieve the goals of this
4 chapter.

5 SEC. 2. Section 9 of Chapter 617 of the Statutes of 2002 is
6 amended to read:

7 Sec. 9. (a) The Department of Food and Agriculture, if funds
8 are appropriated for this purpose, and in consultation with the
9 Imperial Irrigation District, Imperial County, and any other
10 entities, organizations, and individuals deemed appropriate by the
11 Secretary of Food and Agriculture, shall review and report to the
12 Governor and the Legislature, on or before June 30, 2005, on all
13 of the following:

14 (1) The expected nature and extent of any economic impacts
15 related to the use of land fallowing in the Imperial Valley in
16 connection with the Quantification Settlement Agreement, as
17 defined in subdivision (a) of Section 1.

18 (2) Measures taken by the Imperial Irrigation District in
19 formulating a fallowing program to minimize as far as practicable
20 those economic impacts.

21 (3) Whether and to what extent funds provided to the Imperial
22 Irrigation District for transferred water under the Quantification
23 Settlement Agreement, together with any other funds that have
24 been made available for these purposes would mitigate those
25 economic impacts.

26 (4) The amount of any additional funds required to mitigate the
27 economic impacts.

28 (b) If the report required under this section indicates that
29 additional funds are required, the report shall include
30 recommendations to the Governor and the Legislature on all of the
31 following:

32 (1) Proposed means for providing those additional funds,
33 including, but not limited to, funding by the state.

34 (2) Formulation of a program to administer those funds in the
35 most effective manner. The program shall be developed in
36 consultation with the Department of Finance, the Resources
37 Agency, the Employment Development Department, the Imperial
38 Irrigation District, *Imperial Valley area governments*, and any
39 other entities deemed appropriate by the Secretary of Food and
40 Agriculture.

1 SEC. 3. This act shall become operative only if SB 654 and
2 SB 317 of the 2003–04 Regular Session are both chaptered and
3 become effective on or before January 1, 2004.

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